
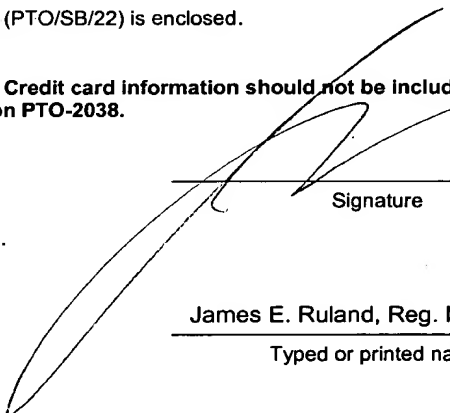
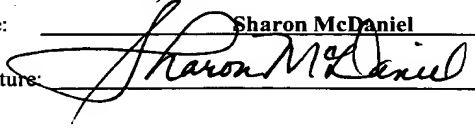


| NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  |   | Docket Number (Optional)<br>MERCK-2219 |                            |
|--|---|--|----------------------------|
|   | In re Application of<br>Lilia HEIDER et al.   | GROUP 1700<br>NOV 06 2003<br>RECEIVED  |                            |
|  | Application Number<br>09/821,683  |  | Filed<br>March 30, 2001    |
|  | For<br>ACTIVE POSITIVE-ELECTRODE MATERIAL IN<br>ELECTROCHEMICAL CELLS, AND PROCESS FOR THE<br>PRODUCTION OF THESE MATERIALS |  |                            |
|  | Group Art Unit<br>1745  |  | Examiner<br>Mark Ruthkosky |
| <p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, <u>May 29, 2003</u>, rejecting the following claims: <u>1-6, 8-12, and 17</u>.</p> <p>The fee for this Notice of Appeal is (37 CFR 1.17(b)) <span style="float: right;">\$ <u>330.00</u>.</span></p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <span style="float: right;">\$ _____.</span></p> <p><input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>13-3402</u>. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71.<br/>Statement under 37 CFR 3.73(b) is enclosed.</p> <p><input checked="" type="checkbox"/> attorney or agent of record.</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a).<br/>Registration number if acting under 37 CFR 1.34(a) _____.</p> <div style="text-align: right;"><br/>_____<br/>Signature<br/><br/>James E. Ruland, Reg. No. 37,432<br/>_____<br/>Typed or printed name<br/><br/>October 29, 2003<br/>_____<br/>Date</div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p> |   |  |                            |

I hereby certify that this correspondence is being deposited with the U.S. Postal Services as First Class Mail in an envelope addressed to:  
Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450,  
on: October 29, 2003

Name: Sharon McDaniel 11/05/2003 BABRAHA1 00000020 09821683

Signature:  01 FC:1401

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